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SENATE.....

.....No. 1.

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# A D D R E S S

OF

HIS EXCELLENCY

J O H N A . A N D R E W ,

TO THE

T W O B R A N C H E S

OF THE

Legislature of Massachusetts,

J A N U A R Y 3 , 1 8 6 2 .

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B O S T O N :

WILLIAM WHITE, PRINTER TO THE STATE.

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# A D D R E S S .

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GENTLEMEN OF THE SENATE AND

HOUSE OF REPRESENTATIVES:—

Called by the election of the People of Massachusetts, we are assembled at the Capitol of the Commonwealth to inaugurate a year of momentous duties and cares. By the favor of our fathers' God—whose blessing we most humbly implore, from whom cometh down all strength and wisdom, and who alone can give the victory,—this people, fortunate in all the circumstances of their history, and in the opportunities of patriotism, rising to the height of the great occasion, girding up their loins, and stretching out their hands to grasp and encounter the future, are summoned to a new consecration to the cause of Him, of their country, and the rights of mankind.

You, as lawgivers of the State, will know how best to assist and guide them, by devoting an hour to an estimate of our present condition, prospects, and wants.

*Finances.*

The ordinary expenses of the Commonwealth for the year ending December 31, 1861, payable from the ordinary revenue, amount so far as now ascertained by the Auditor, to \$922,208.08, to which there should be added about \$100,000 more, on account of expenses incurred, of which no returns have yet been made, making the total ordinary expenses properly belonging to the year about a million dollars. And to this is to be added an expenditure of \$24,360.98, incurred in the equipment of troops under the provisions of chapter 67 of the Acts of 1861, by the provision of which equipment in advance, our militia regiments were somewhat prepared for the prompt movement which they made to the defence of Washington in April.

The total payments for the year, from the treasury, on account of ordinary expenses, were \$1,180,408.69, being in part chargeable to liabilities incurred during the former year, the expenses properly chargeable to the present year being as stated above. The ordinary revenue receipts of the treasury, for the year were, in the aggregate, \$1,127,166.62, exhibiting when compared with the payments, a deficiency of \$53,242.07, for which provision needs to be made by legislation.

The following tabular statement exhibits the accounts to which the payments of the Treasurer during the year are chargeable:—

Executive Department, Governor and Council, .	\$18,216 47
Secretary's Department, . . . . .	24,723 55
Treasurer's Department, . . . . .	5,823 33
Auditor's Department, . . . . .	5,720 98
Legislative Department, . . . . .	169,983 07
Judicial Department, . . . . .	152,754 00
Att'y-Gen'l's Department, and for District-Attorneys',	18,127 34
Agricultural Department, . . . . .	29,287 57
Sergeant-at-Arms' Department, and State House, .	12,662 34
Adjutant-General's Department, Militia, &c., .	93,756 68
Insurance Commission, . . . . .	5,669 28
Bank Commission, . . . . .	9,843 59
Charitable Institutions, . . . . .	289,492 73
Correctional Institutions, . . . . .	125,527 76
Public Buildings, . . . . .	37,800 00
Interest, . . . . .	116,492 98
Miscellaneous, . . . . .	64,587 02
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Total payments, . . . . .	\$1,180,408 69
Total revenue receipts, . . . . .	1,127,166 62
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Deficit, . . . . .	\$53,242 07

The floating debt of \$300,000 has been funded during the year, agreeably to the Act of the last Legislature, thereby increasing our permanent liabilities by that amount. They have also been increased during the year 1861, on account of the Troy and Greenfield Railroad, \$297,208.

The total expenditure for military purposes on account of the existing war, as authorized by chapter 216 of the Acts of 1861, amounts, so far as rendered at the close of business in the Auditor's Department, December 31, 1861, to \$3,384,644.88, classified in the accompanying recapitulation,—which includes also one warrant drawn on January 1st, 1862:

Miscellaneous, . . . . .	\$263,047 47
Arms and Equipments, including camp equipage, horses, harnesses, baggage and ambulance wagons, \$1,668,649 94	
Pay, . . . . .	93,631 38
Clothing, . . . . .	1,015,931 49
Subsistence, . . . . .	209,489 36
Transportation, . . . . .	101,602 26
Medical and Hospital, . . . . .	32,292 98
Total, . . . . .	<u>\$3,384,644 88</u>

Excluding that warrant, the total amount of payments on account of military expenses, under chapter 216, was \$3,343,694.41, and the total amount of receipts on account of those expenses has been \$987,263.54, which receipts are briefly recapitulated in the following table, and have so accrued to the treasury that at no time has the net liability of the Commonwealth on account of such expenses reached \$3,000,000 :—

Receipt in cash from the United States of 40 per cent.

of military expenditures, to close of September, .	\$775,000 00
Amount returned on account of certain commissary disbursements, . . . . .	2,877 39
Duties refunded on importations of arms, . . . . .	35,340 00
Sale of steamer Cambridge, . . . . .	37,500 00
Earnings of steamer Cambridge, . . . . .	20,622 98
Sale of steamer Pembroke, . . . . .	24,735 00
On account of supplies paid for three months troops,	33,657 26
Sale of ordnance to State of Maine, . . . . .	21,005 35
From U. S. Quartermaster-General's, Commissary- General's, and Ordnance Departments, . . . . .	36,515 56
Total, . . . . .	<u>\$987,263 54</u>

There is also due to the Commonwealth, on account of sales of ordnance and ordnance stores :—

From the State of Ohio, . . . . .	\$20,127 50
From the State of New Hampshire, . . . . .	15,887 75
From the United States, . . . . .	7,641 88
	<hr/>
Total, . . . . .	\$43,657 13

To which should be added the further sum of \$19,950 due from the United States, but not yet received, for the earnings of the Steamer Pembroke, which amount was settled on conference with the United States Quartermaster-General, as that justly due, and of which payment ought immediately to be made to the Commonwealth, and is daily expected.

If we consider as cash this sum of \$19,950, and also the \$43,657.13 due from Ohio, New Hampshire, and the United States, on account of sales of ordnance which they needed and we were able to supply, these in addition to the \$987,263.54 already stated, make an aggregate of \$1,050,860.67 of receipts, and deducting that sum from \$3,343,694.41, the amount of the disbursements at the close of the year, our net liability, on account of military expenditures incurred during the year 1861, under the provisions of chapter 216 of the Acts of that year, is thus far \$2,292,833.74.

### *Military.*

For the details of our military conduct and expenditure, which are impossible of recital here, I respectfully refer to the full Report of the Adjutant-

General which is already in press, attended by those of the Quartermaster-General, the Commissary-General, and the Surgeon-General, and the Report of the Committee of three Councillors whom I appointed early in the year to supervise military contracts, and by whom nearly all the contracts for Quartermaster's supplies were actually made. The uniform of one regiment (the 12th, Colonel Webster,) will not be found in the report of the Committee; but it will appear in that of the Quartermaster-General, since although it was paid for as a military expense of the State, the regiment at its own request selected a particular uniform and contractor. Certain items belonging to bureaus not existing at first, for that reason do not appear in their accounts, but elsewhere. Called on from time to time, always without premonition, suddenly and after we had been discouraged to expect more requisitions—it has been impossible to arrange with satisfactory forecast a system of operations, such as the history of the year, could it have been foreseen by all parties, would have called for.

But, with alacrity and zeal, and with unquestioning submission to the wants of the Department of War, and at its special and repeated requests, we have devoted ourselves to raising, recruiting, training, encamping, subsisting, arming, equipping and supplying, with all the arms, armament and warlike munitions, and with the uniforms, camp equipage, and transpor-

tation known to the regulations of the army, the volunteers demanded of the State. And the endeavor has been, so far as it could be done, to conform to such regulations. But we could not avoid adapting military movements somewhat to our own militia system, and to the opinions and pre-occupations of the people; else the great movement would have been discouraged, and the ranks slowly, or never, filled. The State has contributed five regiments of infantry, one battery of artillery, and one battalion of rifles, of her militia, to the three months service. To the three years service she has sent as volunteers, twenty-four regiments of infantry, one of cavalry, five batteries of artillery, two companies of sharpshooters, and an infantry battalion of five companies. Six companies more became attached to two regiments from the State of New York. Besides expenditures on these objects, are the investments in purchasing and expenses of running the steamers Cambridge and Pembroke in the public service. These steamers have been sold, and their cost and expenses covered by the prices obtained, and by the adjustments made with the Federal Government for their services as transports and gunboats.

By chapter 21 of the Acts passed at the extra session of Congress on the 27th of July last, provision was made for refunding to the States the amounts of their military expenditures in behalf of the United States; and it is under this Act that we have already

been reimbursed to the amount of \$775,000, and our accounts have been presented to the Federal auditors for all the balance to that date. Our subsequent military expenditures have been made on consultation with and at the request of the Secretary of War, who asked,—to use his own language under date of September 5th,—our “active co-operation in the organization of an army sufficiently powerful to crush the Southern rebellion and forever set at rest the question of secession,” and stated that in his opinion “the best method” was for us “to proceed with the organization of regiments as authorized, the expense of which will be paid from time to time by requisitions from you, accompanied with proper certificates and original bills.” By an arrangement which I have effected with the officers of the Federal Treasury Department, certified copies of the bills are received by them instead of the originals, and our full accounts have accordingly been prepared and presented for audit up to a recent date.

There is also included in these expenses the cost of three hundred and fifty blankets and suits of clothing sent to Richmond for the use of our Massachusetts men there held as prisoners of war, and suffering privations both indecent and inhuman. The particulars of their necessities were first learned through a letter of the Adjutant of the Twentieth Regiment, himself one of the prisoners. Without delay I caused these articles to be sent, and am happy to learn by information



from Colonel William Raymond Lee that they have been received. I also established a credit in favor of the Adjutant for the use of these captives, to the amount of one thousand dollars, for the purpose of affording means to procure, if possible, medicines for the sick, and some alleviations for the feeble, and little stores not easily sent or anticipated. These last acts are not authorized by any law; save by the law written on our hearts; and they are submitted to your generous candor.

An elaborate report, with tables of the utmost minuteness, has been prepared by our present able and indefatigable Master of Ordnance, covering all the details of the business, property, and expenditure of his bureau. Its expenditures have been \$562,488.30—of which \$251,339.96 were paid for Enfield rifles, and \$23,617.83 for English infantry equipments. The balance is made up of American infantry equipments, ordnance, ordnance stores of every description, and wagons and caissons for the battery companies, freight, repairs, and the like. All regiments, and companies, whether of infantry or artillery, both for three months and for three years service, furnished by the State to the General Government, have, with the exception of one battery, received all their armament from the Commonwealth. The horse equipments and sabres for the cavalry were received from the United States. Of the troops in the three years service, fourteen regiments are armed with the Enfield rifled

musket, four with the Springfield rifled musket, and five with the Springfield smooth bored musket. The smooth bored with which the 15th and 21st regiments were at first provided were afterwards replaced by rifled arms. Of the Massachusetts companies at Fortress Monroe, about to be reinforced by three companies already organized, and now recruited into a regiment (the 29th, making our three years infantry regiments twenty-four in number,) one company received the Springfield and one the Harper's Ferry rifle, and the other companies, the Springfield smooth bore, which were exchanged for Springfield rifled arms, taken from our third and fourth Militia, on leaving the Fortress at the expiration of their three months' service. Our five companies composing the battalion on guard duty at Fort Warren in Boston Harbor, are armed with the Springfield smooth bore. Our two companies of sharpshooters carry rifles, mostly with telescopic sights, specially selected under direction of a committee of the Council.

With the assent of the Executive Council, I assumed the responsibility of making, at a critical moment, a loan of two thousand Springfield smooth bores to the loyal authorities of Western Virginia, concerning which there is an interesting correspondence on the files of the Executive Department.

There is some loss of muskets and more expense for repair occasioned by the want of proper handling by inexperienced volunteers, drill clubs and militia.

And the absence of proper accounts in the ordnance office during a portion of the year, renders it as yet impossible to trace them. There are now in the arsenal, (or out for cleansing or repair,) including all descriptions of arm, 5,883 muskets and rifles. Of these 1,509 are Enfield rifles, and 2,078 Windsor rifles. In addition to our original contract for Enfield rifles, reported to the Legislature in May; under the advice of experienced persons, and in view of the difficulty in commanding suitable weapons, I caused, with the consent of the Council, new contracts to be made for 5,000 more Enfield rifles, of which 320 have arrived, and are included in the above enumeration. It is hoped that recent events may remove the British interdict against the export of arms and munitions of war, and enable us to receive our weapons. But, whether this takes place or not, I have earnestly to recommend the employment of our own domestic industry, and skill, in the production of rifles, by immediate contracts for not less than fifteen thousand stand of arms. And I trust Massachusetts will never again see the day, while aggression and wars are possible misfortunes, when she will be unprepared to put into the field, whenever the country calls, at least 25,000 well trained militia, full-armed for duty.

*The "Two Years Amendment."*

I respectfully but urgently renew the recommendation, that the initiative measures be taken for the

repeal of the recent constitutional discrimination between citizens of alien and those of American birth, familiarly known as "The Two Years Amendment."

Engaged shoulder to shoulder in one of the most tremendous strifes of history, for the maintenance and defence of the country, to which some of us were born, and which others adopted, there is no distinction of duties, there has been none of patriotism and loyalty, and there should be none of rights between those two classes of citizens, whose hearts, torn by a common sorrow, beat responsive to the grand appeal of a common duty, and who gladly share a common danger, and strive in heroic competition for the garlands of glory, due not to the blood they inherit, but to the blood they shed and imperil.

If for any reason, any persons have ever doubted the loyalty or distrusted the patriotism of this class of our citizens, let the events of the past year admonish them that such doubts and such distrust were not merited, and prompt them to concur, cordially and unasked, in the restoration of an equal franchise.

### *Relief to Families of Volunteers.*

I respectfully recommend that the 222d chapter of the Acts of 1861 be so amended as to include in its provisions for the aid of the families of "the Volunteer Militia of this State," those companies which at an early period in the war, impatient of delay, and anxious

for service, marched from the Commonwealth, and became attached to the regiments of New York, with whose volunteers they are consequently enumerated. Earnest, but unsuccessful efforts have been made to transfer them to Massachusetts corps. And I cannot doubt that the Legislature will gladly restore to these companies, composed of good soldiers, whose behavior has done credit to the State, the benefits of a statute whose equity reaches their case.

I am apprised of certain other bodies of volunteer soldiers, who were recruited by irregular means in this State, and a part of them assembled at a camp in Lowell, and others at a camp in Pittsfield, whose condition, in a similar way, appeals to the General Court for consideration. Although they were needlessly enlisted and brought together, contrary to the orders and directions of the Department of War and the authority communicated to the Governor of this State, and to general orders promulgated from the Commonwealth head-quarters, issued at a time when we were straining the enlistment by raising eight infantry regiments, one cavalry regiment, and four artillery batteries at once, besides furnishing recruits to older regiments in the field; I am of opinion that the majority of these soldiers were misled into the belief that they were enlisting into regular regiments of Massachusetts Volunteers. They have marched, or will march, I believe, into actual service, when their conduct will doubtless entitle them to the

honorable and sympathetic remembrances accorded by the State to citizens in other corps. I respectfully suggest an inquiry into the condition of these bodies; and if no objections shall be found to exist, that the provisions of the Act be extended to their families, also, without delay.

I am informed by the State Auditor that he cannot state the amount of aid given to families of volunteers, which the State is liable to refund, any further than the sum thus expended by the city of Boston, which he reports to be \$60,000, and he estimates that sum as not likely to be less than one-fourth of the total similar disbursement of all the cities and towns. It will be necessary for you to make special legislative provision for means to refund these disbursements.

### *Service of Process on Volunteers.*

I beg to call to your attention the present condition of the laws with regard to the service of process in civil suits, in its relation to our volunteer forces. Each of the soldiers and sailors whom we have contributed to the armies and navies of the United States, is liable to be prosecuted to final judgment in a suit, the only notice of which to the defendant may have been by leaving a summons at his last and usual place of abode. It is, in my opinion, a legislative duty to provide further safeguards of notice to these men; and I respectfully present the subject for the consideration of the General Court, with the suggestion

also to consider the expediency of providing that certain actions of tort shall not be brought against any volunteer, either in the military or naval service of the United States, during his absence from the Commonwealth on duty, under his present enlistment, and of modifying the statute of limitations for such cases.

### *Congressional Districts.*

It will be necessary for additional legislation to be had relative to the election of Representatives in Congress. By the result of the last national census, it appears that for the next decennial period this Commonwealth will be entitled to but ten members of the lower House, losing one member from its present proportion. To this inevitable result of the increase of the great Western States in population, Massachusetts yields a cheerful acquiescence. She recognized from the beginning that her narrow limits and less fertile soil would prevent successful competition with her younger sisters in the great race for material strength; but she still trusts to the intelligence and enterprise of her people to retain that degree of political power, which once she wielded by right also of predominance of population.

I respectfully suggest the expediency of no longer insisting by statute that each representative in Congress shall be an inhabitant of the District from which he is elected. This is simply a restriction upon the

freedom of choice to be exercised by the various constituencies, who ought all to be treated by the law of Massachusetts as capable of selecting from among the citizens of the Commonwealth their best representatives. Our limited territory, and the homogeneous character and interests of our people, their intimacy of relations, their nearness to each other by means of their network of railways, the numbers whose legal habitations are in a town or city, while their daily business is from five to fifty or more miles remote therefrom, all tend to render it desirable that each constituency shall be unfettered in its freedom to select the wisest and ablest citizen at its command to sit in the National Council, especially in this grave emergency of our public affairs.

And the law, as it stands, is subject to the grave objection of unconstitutionality. The eligibility of a person to an office must be determined by the constitution or the law under which the office was created, and by which its jurisdiction and functions are prescribed. The office of Representative in Congress is created by the constitution of the United States, by which also its powers, duties and incidents are determined. And the constitution fixes the conditions of eligibility by requiring that "No person shall be a representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."



The question of the right of a State to add new conditions to those of the constitution, was examined in the thirty-fourth Congress by both houses, in the exercise of their respective powers to judge of the elections and qualifications of their own members. It was elaborately discussed and with great ability, and was settled in the negative by both houses, by decisive majorities; and a senator and a representative whose elections were contested on the ground that they were ineligible by the constitution of the State from which they were elected, though not so by the constitution of the United States, retained their seats. Conspicuous instances have occurred in which members of Congress have served without objection, notwithstanding limitations of State law. It seems, therefore, well settled both by precedent and principle, that a State has no power to fix or define the qualifications of a senator or a representative in the Congress of the Union.

### *Direct National Tax.*

By the Act of Congress of August fifth, in the past year, a direct annual tax of \$20,000,000 was laid upon the United States, to be assessed upon "the value of all lands and lots of ground, with their improvements and dwelling-houses." The proportion assigned to Massachusetts, of this tax, is \$824,581.33. By the same Act it is provided that any State may assume and collect its quota, and pay the same into the National Treasury, it being lawful to use for this

purpose the last or any subsequent valuation list made by authority of such State, for purposes of its own taxation; and that any State which shall, on or before the second Tuesday of February of each year, give notice through its Governor or other proper officer, to the Secretary of the Federal Treasury, of its intention so to assume, collect, and pay its quota, shall, by way of compensation for the expenses of collection, be entitled to a deduction of fifteen per cent., according to the amount paid by it into the Federal Treasury "on or before the last day of June in the year to which such payment relates," "such year being regarded as commencing on the first day of April." Under date of November 29th last, a communication was addressed to me by the Secretary of the Treasury, making inquiry "whether the authorities of Massachusetts will assume and pay the amount of direct tax apportioned to that State by the existing law, and also whether in case of any change in the law, by which a different and perhaps larger amount shall be apportioned to the State, the authorities will probably assume and pay it." To this communication I had the honor to reply, giving personal assurances in the affirmative; and I now respectfully refer the subject to the immediate attention of the General Court, with the recommendation that at the earliest day I may be empowered officially to notify the Secretary of the intention of Massachusetts to assume the collection of her quota of this tax for the present

year, and that the necessary legislation may immediately be had for the purposes of such collection.

It is true that it may be said that the Act provides that the quota of any State may be satisfied in whole or in part by the release by such State of any liquidated claim against the United States, of equal amount, and that Massachusetts has claims against the United States, far exceeding her total quota, which claims will probably become liquidated before such quota becomes due. The release of a suitable portion of these claims may afford a convenient method of insuring payment in season to secure to us the full deduction of fifteen per cent.; but in this instance it is questionable whether we should rely upon the offset of such liquidated claims to relieve ourselves from the immediate collection of this tax, for the principle upon which the State bonds were issued, on which bonds the money was raised, the expenditure of which on service of the United States constitutes the basis of such claims, was that all scrip or certificates of debt received in payment, should constitute a sinking fund for the redemption of the bonds so issued. As the annual tax of \$20,000,000 on the States is a continuing imposition, not being limited by law to the present year, but being intended as a continuing source of revenue to the Federal Government, it is as well that we should assume and realize its burden at once,

instead of shifting this single year's proportion of it to another generation.

If the Commonwealth should see fit to assume the direct tax, and to pay it, (at the commutation allowed by Congress to the States,) the land and real estate of the people, as I understand the Act of Congress, will then and thereby be relieved. The payment will have been made out of its own Treasury; and if the State should have a sufficient surplus of funds, it might never be levied upon the people. Or, if otherwise, it would doubtless be competent for the State,—being authorized by the law “to assess, collect and pay” the direct tax “in its own way and manner,” “and to use for this purpose” “any valuation list” last made, “for the purpose of State taxation,”—to assess and collect the money in any way known to its own financial system. Thus Massachusetts might assess whatever sum it might need therefor, on all property usually assessed in State taxation, and thus distribute the burden more equally.

### *Interest of Money.*

Thoroughly convinced that the people of this Commonwealth are competent to make their own contracts without the guardianship of the State, I urge upon you a modification of the usury laws. The evils of our present system are of the most serious character. An immense amount of capital is yearly sent to other States for investment where higher interest is allowed,

while our citizens are daily induced to violate laws which they cannot respect. Thus in an ineffectual endeavor to protect men in making their contracts, we lose our capital, cripple our business, teach the people to be cunning and dishonest, and bring the laws of the State into contempt. That six per cent. is the exact value of money no one will pretend, while the National Government pays seven and three tenths for it, and the market rate varies from three to twenty-four per cent. according to the demand. The present laws bear severely upon borrowers, for the lenders charge for the risk they run in violating the law. It would be wiser to legislate capital into our own borders, allow men to make their own bargains, provided they act honestly, and to encourage direct and open-handed action, by laws commanding respect.

### *Banking.*

The report of the Bank Commissioners will exhibit the condition of the banks of the Commonwealth. I renew my suggestions of last year that a conservative course of legislation is best for our banking system, and that radical changes should be adopted with caution, and not without mature consideration. I commend to your attention the able report of the Commissioners, and especially its suggestions in regard to institutions for savings. Their history, and a mass of instructive statistics, are comprised in the report. The facts stated, strikingly illustrate the

industrial power and thrift of our people. And the wisdom which began these institutions for the benefit of those desiring to invest and accumulate their small savings, will, I doubt not, watch over them, regulate their management, and make them an element of abiding strength in the State.

A bill reported by the Committee on Banks and Banking, at a late hour in the regular session of last year, "to authorize towns and cities to receive and invest savings," was, at the request of the Committee, printed and referred to the present General Court. The scheme is explained and eloquently enforced in the Sixth Annual Report of the Insurance Commissioners on Loan Fund Associations, prepared for the present Legislature.

The recommendations emanating from the Secretary of the United States Treasury, involving a general scheme for a national currency of Treasury scrip, or notes taking the place of the issues of the banks incorporated by the States, demand the attentive and critical examination of all persons concerned in finance.

The adoption of an exclusive national currency, having many apparent advantages, would probably involve an important change in the revenues of this Commonwealth by necessitating a repeal of the bank tax from which so large a part of it is derived. And it may be questioned how far, at the present moment, the banks of the northern Atlantic cities will deem it reasonably practicable to carry the heavy loans with

which they accommodate the Government of the Union, and in addition thereto, to retire their own circulation, receiving from the Federal Government its own notes for a new medium of circulation, for which, of course, they must pledge adequate security.

The argument upon a subject covering so many intricate questions of a practical science so abstruse, and as a science so incomplete, as that of banking, could not be fitly treated on an occasion like this. Nor can I avoid the confession that as yet I do not perceive the way open to a clearly satisfactory opinion in regard to it. But, since the share this Legislature may have, if it chooses, in educating the public opinion, and assisting the judgment of Congress, is not inconsiderable, I take the liberty of bringing it prominently before the mind of the General Court.

### *The Troy and Greenfield Railroad.*

By chapter 202 of the Acts of 1860, the Commonwealth appropriated “a loan of the State credit, to enable the Troy and Greenfield Railroad Company to construct the Hoosac Tunnel.” In this Act, of the \$2,000,000 loan, \$650,000 is appropriated to the completion of the railroad east of the mountain. The State does not undertake to build this railroad, nor to determine the precise manner in which it shall be constructed. The only specific thing required by

the law is, that "the rails shall weigh not less than fifty-six pounds to the lineal yard." And the provision is in general terms, that "no expenditures shall be required merely for the purposes of ornament, *but the work shall be substantially performed.*" The \$650,000 is to be loaned towards "the whole of the graduation, masonry, bridging and superstructure of the unfinished portion of the road east of the Tunnel." And the scrip is to "be delivered on the road, in the proportion the value of the work done, bears to the estimated cost of the whole work and materials required on the portion of the road aforesaid." The issue of scrip is made dependent on the certificate of the State Engineer, who "shall monthly, immediately after the first day of each month, estimate the proportion which the work done upon the road since the preceding estimate, bears to the whole of the work required to be done in the graduation, masonry, bridging, and superstructure of said railroad east of the Hoosac Tunnel." It becomes, therefore, the duty of the engineer to make the following inquiries, monthly, viz.:—

How much work remains to be done and material to be furnished in order to complete this piece of road in a *substantial* manner?

How much has been done during the last month for which I am now making an estimate?

How much of the State loan of \$650,000 remains to be advanced?



A proportion stated on these principles will ascertain the amount of the monthly issue for which the Engineer is to make his certificate.

Of this whole amount (\$650,000) \$455,235.92 has been advanced, leaving \$194,764.08. In the month of July last the contractors on the road suspended work, and have not resumed it; so that no issue since that made on the certificate of July, has been required. This suspension was in consequence of the dissatisfaction of the contractors with the finding of the Engineer, by which he estimated the cost of finishing the road in a substantial manner, at a sum larger than that of the previous Engineer. He included therein the sum of \$97,035 for finishing the bridges, taking out slopes which he found too steep, filling up trestle-work, protecting the banks from the rivers, &c.; which had not been previously included in the estimate. I do not understand that any question was made as to the correctness of this estimate in its amount; but it was denied that these items should have been reckoned into the account at all. It was contended that the road could be put into running order and would be run a long time before this work would need to be done; and that economy required the early running of the road, after which, from the earnings of the road these things could be done and paid for. Whether this was true or not, was not deemed to be a question for the State authorities; while it was a very proper one for

a railroad company, constructing its road, and having the means to build its stations, and to buy its rolling stock, equipments, &c. But, if the work in question was necessary to the completion of the road in a substantial manner, it was not seen how the State scrip could be issued upon any expectation of what might be done in the future, but only on the fact of what had been done already. It was the duty of the Engineer to require the road to be ordinarily well built, according to the existing standard of good work in similar locations, constructed by competent engineers at the present day. And the governor had no right to issue scrip without the Engineer's certificate. The opinions of the Engineer being called in question, it was deemed proper to subject them to careful examination; since if he was found to be mistaken, and unwilling to correct them, another Engineer could be appointed in his stead. To my own mind the questions were entirely new. They pertained to the science of civil engineering applied to the construction of railways;—and could be best answered by those skilled and practiced in that knowledge. Accordingly, a large number of experienced and skilful railway engineers, managers, and experts, were summoned by the Governor and Council, examined by them, and by the present State Engineer and his predecessor. Their testimony confirmed the opinion of the State Engineer. The testimony and the decision given by the Governor, both phonographically reported and in print, I have the honor to lay

before the General Court, with a similar report of a prior investigation before a committee of three members of the Council.

No question arose relating to the tunnel, but the work upon the tunnel, as well as upon the road east of it, was discontinued by the contractors. It is proper to observe that if the decision of the Governor is subject to any criticism, it must be borne by him alone, since no question was reached proper to be submitted to a vote of the Council.

A large quantity of railway iron included by the Engineer in his estimate, and therefore covered by the scrip issued on his certificate of June last, it is now alleged had not been delivered to the company; and it is now claimed by carriers, under their lien for freight, and is under attachment in three suits for its purchase money. The suits are pending, and the interests of the Commonwealth are under the care of the Attorney-General.

I regretted encountering any questions connected with this subject. It has involved a great deal of interest and feeling, and has largely entered into the legislation and somewhat into the politics of the State. The question which in fact arose, however, was eminently and simply a practical one; and it was necessary to be governed by the law as the legislature had made it, and by the facts as they were found to exist. The subject is now before the General Court, where the law will receive alteration if it is found to require

any. The suspension of the work on the railway, it is thought by many, will cause injury to the road, by means of the action of the frost and freshets, while it remains incomplete. This point will require your early attention. As the law now stands, the State authorities cannot interfere; and I understand the railway company does not.

It becomes important for the General Court to decide what measures, if any, are necessary to protect the interests of the Commonwealth in a public work to which it has already loaned its scrip to the amount of \$725,388.88, and has paid up to October, 1861, interest to the amount of \$18,093.34. The grand enterprise of tunnelling the mountain must either be abandoned or suspended, or the Commonwealth must take the business in hand, and adopting a policy at once simple, plain, effectual, and decisive, put it beyond such contingencies, and ensure both economy and success.

For the present condition of the road and tunnel, and the progress of the work, or both, I refer the General Court to a recent communication from the State Engineer, which contains the most authentic and compact statement in my power to impart.

The following table exhibits the amounts of State scrip loaned to the road from the time of the first issue, of which amount it will be observed that more than \$250,000 have been advanced during the last year.

## Sterling Scrip issued:—

Oct. 6, 1858, 51	Certificates, 1—51, . . .	£22,500
Oct. 4, 1859, 26	“ 52—77, . . .	11,200
Jan. 3, 1860, 25	“ 78—102, . . .	11,300
Mar. 1, 1860, 16	“ 103—118, . . .	6,800
Oct. 8, 1860, 36	“ 119—154, . . .	18,000
Dec. 12, 1860, 53	“ 155—207, . . .	26,500
Jan. 5, 1861, 15	“ 208—222, . . .	7,500
Feb. 18, 1861, 14	“ 223—236, . . .	5,800
Mar. 7, 1861, 11	“ 237—247, . . .	4,900
		<hr/> £114,500
At par, . . . . .		\$508,888 88

## Federal Money Scrip issued:—

May 8, 1861, 27	Certificates, 1—27, .	\$85,500 00
June 27, 1861, 75	“ 28—102, .	37,500 00
July 12, 1861, 94	“ 103—196, .	93,500 00
		<hr/> 216,500 00
		<hr/> \$725,388 88

And in addition to this sum, is to be computed also scrip to the amount of \$200,000, issued on May 4th, 1860, to the owners of the Southern Vermont Railroad for the purchase of the road.

*Harbors and Flats.*

I had the honor, in addressing the General Court of 1861, to allude to the duty of watchfully guarding the Harbor of Boston against injury by encroachments, or by misuse of its flats and misdirection of its water. And I desire, at this time, in a more emphatic and direct manner, to invoke the attention of the Legislature to the subject of the preservation and improve-

ment not only of the harbor of Boston, but of all the harbors of the Commonwealth.

The proprietary rights of the Commonwealth in the soil of the sea lying within its dominion, limited only by the Colonial ordinance of 1647,—imparting the right to the shore owners to extend one hundred rods, or to the channel,—is clear. Its title is that by virtue of which it owns all the lands within its bounds, whether under water, or above water, not granted away. The Legislature has the full title and the full power to control this property. The right to dispose of all flats thus belonging to the Commonwealth, is vested in the Legislature. The Commonwealth may, by the acts and at the discretion of the Legislature, cause or permit them to be excavated, or embanked, or otherwise disposed of. It may grant and convey them to others, limited, whether as to time, person, quantity, reason or consideration pecuniary or otherwise, only by its sense and judgment of the public welfare, in the exercise of its own sound, constitutional discretion. But, while I perceive no limit to the power of the Legislature to manage and dispose of these public lands, as well as any other public property, save that prescribed by its own judgment and discretion,—nevertheless, the preservation of all our harbors is a public trust of such peremptory necessity and such immeasurable importance, not merely to the seaport towns, but to the convenience, happiness, and prosperity of all the

people, and the wealth and growth of every town and section, inland as well as seaboard,—that this paramount obligation should always be first regarded in the disposition and management of the flats,—especially when it is considered that the interests of private individuals lead to continued encroachments on the tide-water.

I respectfully suggest to the General Court the consideration of some general and systematic provision for the protection and preservation of all the proprietary rights of the Commonwealth in flats, or lands under the sea; and also the establishment of a careful, scientific and economical system for regulating the disposition of any such property whether by the extension of private wharves or otherwise, so as to avoid dangerous invasion of public interests by encroachment, and trespasses, and inadvertent grants; and also for surveying such flats, and offering them for sale, where it is proper to sell them, under appropriate restrictions and conditions; and providing also for the building of wet docks, and the making of other important harbor improvements,—to which purposes the net proceeds realized by the Commonwealth from the sales of such flats and lands should be dedicated.

In these suggestions, I do but repeat the ideas, opinions, warnings, and advice of many most eminent jurists, civil engineers, and far-sighted citizens, who have heretofore reported to the Legislature, in the

capacity of commissioners of the Commonwealth and of committees of the General Court.

Nothing should be omitted to give unity and simplicity of plan and direction to any interest of which the Commonwealth has the proper oversight. And in all that it does, it ought to study the resources of the wealth and power of the people, and the method of their best development, keeping in constant view, both the individual welfare of the citizen, and the strength, influence and renown of the State.

### *Public Institutions.*

The number of inmates of the various penal, reformatory, sanitary and eleemosynary Institutions, under the management of the Commonwealth, at the present time, is four thousand five hundred and thirty-two. The annual cost of their support to the State is more than \$400,000, exclusive of the interest upon personal and real estate in occupancy, which is estimated to have cost at least \$800,000. The number of officials attached to these institutions is not far from three hundred, to whom there is paid annually in salaries the sum of \$75,000 in addition to board. There are also fifty-one inspectors and trustees, to whom is annually paid, in addition to contingent expenses and travel, the sum of seven thousand dollars. Thus it appears that an average of one official is employed for the care of every fifteen inmates, and one inspector for every ninety persons.



Excluding the cost of the support of the inmates of the State Prison, which institution is self-supporting, it follows that the average cost of maintaining the remaining number, is about one hundred dollars per annum, or two dollars a week, for each inmate.

The State Prison, with five hundred and fifty inmates, is in good condition, and its affairs are well managed. Its whole expenditure during the past year has been defrayed by the labor of the convicts.

The State Reform School, at Westborough, now numbers two hundred and sixty inmates, supported during the past year by an outlay of \$47,634, of which \$10,068 is charged for salaries. The boys are employed in the work of the farm, and the house, and in the manufacture of chairs and shoes. They appear to be healthy, contented, and cheerful, and the duties of the superintendent who was appointed at the commencement of the last year, have been discharged so as to show a manifest improvement in the discipline and management of the Institution. I commend to your consideration the report of the superintendent, and especially his suggestion as to the obstacles in the way of making the Institution productive of the highest good, where young and comparatively guiltless youth, are necessarily exposed to the contagion of evil example from those older and more reckless in crime.

The Reform School Ship, with its one hundred and fifteen boys, mostly from the Westborough Reform

School, has, during the past year, developed the wisdom of the experiment, and I trust that further experience will confirm the entire practicability and usefulness of this novel method of rescuing the waifs of human society from the vortex of crime and dissipation to which they are exposed, and placing them at once in the track of usefulness and honor.

The number of patients at the Institution for the Insane at Worcester is three hundred and thirty-one, at Taunton four hundred and twenty-eight, and at Northampton three hundred and fifteen,—in all one thousand and seventy-four; and the aggregate cost of their support is \$180,000. At Taunton the number of patients is greatly in excess of proper accommodations, and it is found necessary to abandon in great measure that appropriate classification on which improvement and cure so essentially depend.

The three almshouses and the hospital at Rainsford Island contain at present two thousand three hundred and thirty-nine inmates, and these institutions are supported at a cost of \$150,000 annually.

At Monson, on the day of a recent visit, there were six hundred and forty inmates, of whom four hundred and fifty-seven were children under fifteen years of age. Of this latter class, one hundred and sixty had been recently transferred from the almshouses at Tewksbury and Bridgewater; which removal had involved, in many cases, a separation of families painful to contemplate. The alleged reason for such

transfer, which has been customary since the Monson Almshouse was erected, is the better or more convenient educational facilities provided at the Monson institution; but whatever may be the reason, the fact itself suggests to every thoughtful mind, that such a system, based upon the severance of so many domestic ties, must be radically wrong, not only in the present, but in its future results upon old and young alike.

By a communication, which I herewith transmit, addressed to me by the foreman of a recent grand jury in Middlesex County, you will perceive that a presentment has been made of the Almshouse at Tewksbury for insecurity in its construction and arrangement, and I commend the subject to your attention.

The Rainsford Island Hospital seems to be under good management, but its benefits are almost exclusively enjoyed by the city of Boston. The Commonwealth has already expended more than \$60,000 on the buildings connected with the institution, while its title to the land is believed to be not fully established.

The Industrial School for Girls, at Lancaster, the most recent of our reformatory institutions, has not reached that period in its history which would justify the statement that the experiment of its establishment is a success. But it is one of the most interesting of all our charities. The annual expenses of the institution are about \$12,000. The number of inmates at present is one hundred and fifty, who are divided into five families, each occupying a sepa-

rate building under the immediate charge of a matron and assistant, and the whole establishment is under the control and direction of a superintendent.

Some persons experienced in the conduct of reformatory institutions for the male sex, have distrusted the success of this institution, in accomplishing the purpose for which it was designed. Present circumstances are certainly favorable for a fair test of the question, but in the absence of precedents, and examples for comparison, time alone must determine. I believe it is capable of great results; that the family system there adopted is correct in principle; and that its reforming power has already been manifested.

The bounty of the State, which appropriates \$10,000 annually for the education and support of the deaf mutes of this Commonwealth, was shared, the past year, by about eighty children of this unfortunate class. They are well and wisely cared for, and in addition to the rudiments of a common school education, both males and females are graduated with a knowledge of some useful trade or handicraft, by which to gain an honest livelihood.

The number of inmates of the Institution for the Blind averages from one hundred and ten to one hundred and twenty, of whom from seventy to eighty are placed there by the authorities of the Commonwealth, as a public charge. The policy of the Institution is to receive all proper applicants, train them for some occupation, and then find them opportunity to use

profitably whatever skill they may have acquired. About twenty-five blind adults are, on the average, employed at the Institution, on wages. Many others are established in country towns, earning a living by some handicraft. Very many become teachers of music. And even such as are returned to their families, and not sent into the world for a livelihood, are not only more cultivated, mentally, than they would have been without the training they received there, but more active, also, and industrious. The general effect of the Institution, especially by the sending into the community of so many blind persons trained to work, is to stimulate all the blind, and lift them out of the class of the idle and unprofitable; and its example has done much to encourage similar undertakings in other States and countries.

At the Institution for Idiots, the average number is about eighty, and of these, Massachusetts furnishes about fifty, all of them indigent. To some persons, misled by the name of *school*, the results of the Institution may not correspond with their unreasonable expectations that idiots, as a class, can by any process of discipline, be transformed into persons of average or superior intelligence. But the general effect of the Institution is really gratifying. All its inmates are bettered in some way; a few are kept from sinking into the class of idiots for life, for whom such a fate would otherwise have been inevitable; and the effects of culture and instruction are the same here as else-

where, though from the nature of the material they are less obvious; the trained and cultivated idiot is quiet, docile, and industrious, while the idiot who is neglected, tends surely to brutishness. Industrious habits are enforced as the desirable object, rather than skill in school exercises. Trades have been introduced. Many girls are prepared for a considerable degree of usefulness, as housemaids, most of whom would certainly have been degraded and ruined if left outside the Institution, of which certainty the condition of idiot women in the State almshouses affords an illustration; several boys and girls have made such progress, that they are now capable of being useful in farm labor or domestic work, if proper families could be found in which they could be placed; and generally society has been bettered by this Institution, for it withdraws from the community the presence of many, who, being themselves abandoned and brutalized, would otherwise, by an invariable law of nature, have tended to demoralize society around them.

To these institutions and the support of the inmates, for which the people without regret devote nearly half a million of dollars annually, must be added, in the category of penal establishments, the several houses of correction. These, however, are supported and controlled by the counties. But it is a consideration I cannot avoid mentioning, that, while a person for the same offence, may, in a large number of cases, be sentenced in the discretion of the courts

to the State Prison, or to a house of correction or a jail, he will only in the first alternative be subject to a prison discipline of which the State under whose laws he is condemned, maintains the oversight. Thus prison discipline as a science, gains nothing from all the mass of experience of which these prisons are the repositories, nor does any thing learned at one of them, accrue to the benefit of the others.

I had proposed, in assuming these official duties for the first time, to devote myself to careful observation of our system of managing and dealing with the various exceptional classes, whether of crime, poverty, or misfortune. But I have not been able to do so. Commanding duties have left time only for the most superficial examination, and for but little and rude reflection.

I am satisfied, however, that with all the good these institutions accomplish, and all the suffering and evil they prevent, they will require in the future a more systematic control. The annual visits of the governor and council are of but slight advantage. They give, and can give, no intelligent direction. They can only help prevent or cure flagrant abuses. But where is the intelligent, educated body of experts and learned philanthropists and practical thinkers, to supervise this mass of human nature, in which the laws of either physical or moral being, or of social order, are broken, or awry? Who is there to analyze and sift out the knowledge that lies buried in the mass of

statistics which contain the dry bones of each year's history? Who knows, beyond a certain range, whether the administration of all these institutions is really going right or wrong,—having reference to the advancement of society, and the real good of its unfortunate members?

There ought to be some person or board, whose business it should be to observe carefully, constantly, critically, with heart, mind, and eye; to compare from year to year what is done here and what is done elsewhere; to think out, and write out the scientific and practical directions of this comparative observation and experience, for the consideration of the people and the government.

I do not speak in the spirit of criticism, but simply of conservatism. I believe in knowledge and its uses; and that it does not come by accident or neglect. These public institutions, are, so far as I have been able to observe, better than I had supposed. We are fortunate in those who preside over them, and I cannot too thankfully applaud the wisdom and humanity which especially distinguish the administration of our retreats for the Insane. There, as in the School for the instruction of Idiots at South Boston, which is patronized by the State, we find the fruits of patience, learning, and humanity; and the saddest inflictions endured by our poor human nature, we see alleviated by the wise and kind intelligence of the "leech," who has learned the art, by which he can



“minister to a mind diseased,  
Pluck from the memory a rooted sorrow,  
Raze out the written troubles of the brain.”

I am obliged, however, to confess that the statutes of the Commonwealth regarding the Insane, and the legal proceedings to be had for inquiring into and adjudicating upon cases of insanity, and regulating admissions into the State hospitals, and concerning insane prisoners, are defective by reason of incompleteness, inconsistencies, and contradictions, needing thorough redrafting, simplification, abridgment, and alteration, without which they must remain behind both the humanity and the intelligence of the age. In revising the General Statutes these laws, passed at different times, with different purposes, and without systematic method, were brought together, but were not amended. The business of the revision was not thought to include that of amending; but simply of arranging the statutes as they were found; and therefore in this instance the revision serves to make more apparent the need of new legislation.

### *Criminal Costs and Procedure.*

The subject of criminal costs, which has recently attracted especial attention, still challenges our care. They are still excessive, owing, in part, to the fact of the freedom with which prosecutions of no public utility may be promoted, and in part to the character

of criminal proceedings. The payment of trial justices by salary, requiring all their fees to be paid into the public treasury, the bringing the subject home more nearly to the people, by charging the costs of prosecuting minor offences upon the towns instead of the counties, and practicing greater care in the creation of new and artificial offences, somewhat abundant in modern legislation, would all tend to diminish costs by limiting prosecutions. And a reform in our criminal pleadings and procedure might well be inaugurated, which, by simplifying the pleadings, reducing the opportunities to criminals of escape through technical and formal accidents, and discouraging frivolous exceptions, would prevent mistakes, expedite judgments, and promote justice. It would be interesting, and if time would permit me, it would be instructive, to expose some of the peculiar infelicities of the ancient methods of criminal pleading; from which the statute commonly known as "Lord Campbell's Act,"—since substantially adopted in Pennsylvania, and some of the provisions of which were anticipated here—extricated the English practice some ten years ago. These illustrations, however, would readily occur to an intelligent committee in exploring our system and its operation. I respectfully recommend the investigation, with the single remark that many of the decisions, which, passing into precedents, have controlled the judicial mind, seem to mark the struggles of humanity in the hearts of the judges to escape the

consequences of cruel and sanguinary penal laws. What society needs is parental and not tyrannical government,—firm, serene, and just, executing judgment without long delays, and with no uncertain aim, with penalties merciful and proportionate.

### *The Death Penalty.*

I deplore the presence of the penalty of death still lingering on the statute-book of Massachusetts. Gradually receding in civilized legislation, as needless and dangerous, corrupting to some persons, and shocking to others, years of study and reflection confirm the opinion that it must certainly disappear from the category of penalties inflicted by the best ordered and most refined commonwealths. A natural method to the wild justice of the ruder forms and stages of society,—a hard necessity sometimes in the code of war,—it erects the gallows in a community like ours, only as a horrid spectacle, scaring the imagination and haunting the dreams of the sensitive; an intrusive reminiscence of more barbarous times; while it suggests to the hardened in crime only another disease, by which nature may one day pay its inevitable debt to mortality.

### *Education and Schools.*

In casting our eyes over the resources, the industry, and the institutions of the State, we are struck by the idea of permanence, intelligence, and power they, in

their combination, suggest. Nor is there any circumstance more worthy our admiration than the sturdy and triumphant will, with which, in spite of all the distractions of extraordinary military necessities, the people and their children stand by their schools, colleges, and all the instrumentalities of learning. In Massachusetts I am advised that the Teachers' Institutes were never better attended; that the interest in our common schools was never more genuine; and that this is true also of other States whose people, like our own, have been most ready to meet the calls of war.

Let us never forget our nurseries of learning, the strength, the solace, the inspiration of a people. Rich with the spoils of thought, great in ideas, powerful by the possession of knowledge, and the education of the mind, happy in the possession of fields no enemy can dispute, and treasures no ravage can destroy—such a people, in the fear of God and the love of man, are immortal as the nature they inherit, and grand as their destiny.

### *The Normal Schools.*

The annual appropriation for our four Normal Schools, of \$14,500, is found inadequate for their actual wants. The school fund is increased already by more than fifty thousand dollars, from proceeds of the Back Bay Lands, one-half of the income of which, or \$1,500, if appropriated to these schools, would relieve

their wants, and it is, with the concurrence of the Secretary of the Board of Education, respectfully recommended to be done.

### *Marriage and Divorce.*

I desire most respectfully to renew a recommendation which I had the honor to make to the Legislature of the past year, for such a modification of our laws touching marriage and divorce as shall lodge in some tribunal, the power to mitigate the penalty of celibacy as a consequence of divorce, whatever may have been the cause of the dissolution of the marriage. This penalty is inflicted under certain circumstances as a consequence of a civil adjudication, in which the rules of procedure essentially differ from those of a criminal trial. So long as human instincts and passions continue, I believe that this infliction as a consequence of civil proceedings for divorce, without leaving a hope for its ultimate remission either by the same tribunal by which it was awarded or by some other, is detrimental to the good morals of the community, and discreditable to our knowledge of human nature.

### *Board of Health.*

The Boston Sanitary Association, the American Statistical Association, and the Massachusetts Medical Society, have all heretofore petitioned the General Court to establish “a Board of Health and Vital Statistics.” The subject stands referred to the present

Legislature, and the general views of the petitioners, with many illustrations of fact and reasoning, are clearly set forth in the petition of the Boston Sanitary Association, printed with House Documents of 1861, [House Doc., 112.] It was ably supported by the report of the joint committee to which it was referred, which deserves the perusal of every legislator of the Commonwealth, for its practical and comprehensive wisdom; and I earnestly hope its views may be thoroughly examined, and its objects finally approved by the General Court.

*The Rhode Island Boundary.*

I transmit to the General Court, the final decree of the Supreme Court of the United States, in the suit between this Commonwealth and the State of Rhode Island; terminating the ancient controversy of boundary, now thereby adjusted on the basis of the conventional line, conformably to the agreement of the parties litigant. And I trust nothing will hereafter arise to disturb their mutual peace, and that both the States will be found beneficent and impartial governments by those citizens each has acquired from the other.

*The Concord and Sudbury Meadows.*

I shall transmit also the report of Daniel W. Alvord, Charles Storrow, and J. Herbert Shedd, appointed Commissioners under the 154th chapter of the Acts of

1861, to conduct certain surveys and experiments on the Concord River, and to report thereon. The Commission seems to have been executed with great labor and care. Its report is in full detail, illustrated by an ample map, and plans,—and will, I think, be found a complete and satisfactory repository of the scientific truth sought through its agency.

The conduct of the investigation required the constant services of many persons employed to observe its experiments, and otherwise to aid the Commissioners. Those employed were all, or generally, persons of humble means, working at low daily wages, and unable to maintain themselves unless paid at brief intervals. By some inadvertence no appropriation was made to meet these expenses, and it was only after the Commissioners had incurred them to considerable extent, that the points came to my attention. The practical question then arose, shall these accounts be laid over until another session of the General Court, to the great injury of those employed, and the work of the Commission be suspended, to the great injury and disappointment of all the parties interested in the Meadow and Dam controversy, for want of the means to pay them?

With the consent of the Council I decided not to permit such a disaster, and assumed the responsibility of meeting these necessary current expenses out of the "Emergency Fund," and the warrants drawn for that purpose amount in all to the sum of \$2,481.49.

The accounts were first examined by a committee of the Council, and proved reasonable in their judgment, as well as that of the Commissioners.

Pursuant to the provisions of the same Act, the Commissioners awarded damages in favor of three several parties claiming them, to the amount of \$4,378.87.

### *Agriculture.*

The agricultural interests of the Commonwealth have been highly prospered during the past year. Their products are estimated as exceeding thirty-two millions of dollars. The season was propitious and the crops with few exceptions were abundant and profitable.

The Exhibitions of the Agricultural Societies as a whole, were more complete and attractive than ever before, while the interest manifested in them by the large attendance of people, was never excelled. Under the encouragement of the Commonwealth, the smaller and feebler societies are gradually placing themselves upon a more permanent and useful basis, and it is believed that if the present fostering care is continued, they will, within a reasonable length of time, attain a degree of strength and prosperity which will make them self-sustaining and self-reliant. Notwithstanding the poverty of her soil, in contrast with that of some of her sister States, the agricultural interest of Massachusetts is one of the most important;



and the great and rapid development of her resources, through the growing intelligence of her husbandmen, as shown in recent years by the increase of farm crops, the improvement in the breeds of domestic animals, the production and culture of new varieties of fruits, all confirm the wisdom of that legislation which has encouraged the formation of societies for Agricultural improvement, by the bounty of the State.

Many additions have been made to the State Cabinet during the year, and the interest manifested in it by the large and increasing number of visitors from day to day, shows clearly the practical value of the collection in developing a fuller appreciation and knowledge of the Natural History of the Commonwealth.

The State Board of Agriculture, sensible of the importance of having the elements of agriculture taught in our common schools, made arrangements with Messrs. George B. Emerson, and Charles L. Flint, to prepare a text-book or Manual of Agriculture, comprising and presenting in an elementary way the principles and practice of this art, including the composition of soils, and manures, the preparation of lands, the culture of special crops, the principles of rotation of crops, the diseases and enemies of growing plants, the choice and management of farm stock, and the general economy of the Farm. This work has been executed so as to meet the approbation of the

Board, and their recommendation of it as adapted for use in the schools of the Commonwealth. I trust it will serve to help increase an intelligent interest in farming, and develop the productiveness of this fundamental pursuit of industry.

An undue proportion of the soil of our Commonwealth is unused for any profitable purpose. This is in part owing to following the local traditions, instead of studying the secrets of nature, and extracting her truth. Much land now wasted might be used for the growth of wood and timber, yielding a crop once in twenty or thirty years, without much labor in its care; and farms now of little profit might become profitable by the proper methods of adaptation, and the skill to diversify their cultivation. Fruits, vines, and various branches of gardening, may be largely cultivated by those whose main pursuits are in-doors and sedentary. And might not the study of nature awaken a taste for horticulture, and the like, in our boys and girls at school, the results of which will be seen, not alone in the larger business of regular farming, but in a thousand humbler ways, adorning the village, the wayside, and the cottage home with beauty, giving freshness to many jaded minds, besides increase of health, industry, and wealth?

### *Flowage.*

The subject of flowing our low lands and meadows under the operation of the "Mill Act," has also

engaged the attention of the Board of Agriculture. Rights already acquired thereunder are not subject to disturbance by its modification, or repeal, but in the belief that the Act has long outlived its usefulness, I respectfully recommend its consideration to the Legislature.

The tendency of thrift, economy, and sound policy is towards general and systematic drainage, not towards the drowning of the most valuable lands. Rude and poor farming is the usual lot of pioneers. It was true of those of New England. They gradually moved down from the more barren hill-tops to the meadows and richer lands, where capital and labor, wisely expended, are at first absolutely needed, but where the ultimate return is large and ample.

In this connection I desire also to call the attention of the Legislature to a measure of justice and public utility which will restore to cultivation many acres of the richest and most productive lands in the State. There are in nearly every section of the Commonwealth, ancient mill-privileges under which the right exists, and has existed since the first settlement of the country, to flow back upon the lands adjacent to the streams which supply them. Many of these privileges are neglected, and have been unused for years, but still the dams remain, rendering all attempts to redeem for cultivation, the lands above, of no avail. There should certainly be some limit to the period when exclusive rights, originally conferred upon individuals for the

common good, and which, under the changed circumstances of the present time, serve only as instrumentalities of oppression, and to retard the development of enterprise in the cultivation of the soil, should again revert to those proprietors of lands by whom they were originally yielded. Whether provision should not be made by statute limitation as to the time when all such unused and neglected mill-privileges should become invalid, is worthy of your consideration.

*Harris on Insects Injurious to Vegetation.*

The third edition of Harris on Insects Injurious to Vegetation, published under a Resolve of the year 1859, chapter 93, has just been completed. This edition of a work, of which the first was published in the year 1841, has been enlarged by suitable additions and illustrations, and is nearly ready for delivery. Extensive collections of insects were made, in order to have fresh specimens for use in making the drawings, which were supervised by Professor Agassiz by comparison with the original specimens before engraving.

This is a work of great beauty and careful learning, and is fitted for much usefulness, if properly and wisely distributed. I ask the attention of the Legislature to that part of the Resolve of 1859, which provides for a partial distribution. The whole subject is in the control of the present Legislature, and

I venture to suggest that a work, the actual cost of which to the State is nearly three dollars a copy, and which will not be reproduced for another twenty years to come, should be given away only to those by whom it is likely to be prized for its scientific uses.

The Resolve provides for giving a copy to each member and reporter of the Legislature of 1859, by which it was passed. But this is a subject open to the revision of the present General Court.

### *Distribution of State Documents.*

In this connection I suggest the expediency of providing by law a definite and complete system of distribution of public documents, prescribing in one statute the persons to whom each document regularly printed by the State shall be given, and the number of such documents which such persons shall receive. The present system is very imperfect and obscure, depending in great part upon ancient Resolves of the Legislature, scattered through fifty years of legislation, and has come practically to depend in a considerable degree upon the personal discretion of the officers having such documents in charge.

### *Colonial Records and Provincial Laws.*

The twelfth volume of Records of the Colony of New Plymouth has been issued during the present year, forming the tenth bound volume of the series.

Sufficient material for two more volumes has been transcribed, and is ready for the printer, and I am informed that seven volumes in addition to these two, will complete the series, and that more or less progress has been made upon them all. The historical importance of ensuring the preservation of these records was well stated by the committee of the Legislature of 1855, upon whose recommendation the publication of them was commenced; and of even superior importance in every point of view, is the preservation by publication, of the Provincial Statutes of Massachusetts covering a period of nearly a century, from 1691 to 1780, the only complete collection of which in existence has been gathered in one private library in the Commonwealth, and is subject to all the risks of loss, destruction, and dispersion, to which private property is necessarily liable. In my Inaugural Address to the General Court of 1861, I had the honor earnestly to recommend the printing of these statutes, and I desire earnestly to repeat that recommendation.

*Reform in Pay and Work of State Employees.*

Observation during the past year has satisfied me that there exists great inequality between many of the servants of the State,—and particularly among the clerks in the various Departments,—in respect to pay and work. There are some whose hours of necessary labor have been twice those of others, and whose work

required a higher degree of intelligence, but who, nevertheless, have been inferior to these others in respect to pay. It is true that the past year has been exceptional in its character, and does not afford a proper standard for the permanent adjustment of pay to work for the future; but the present anomalous condition of business is likely to continue through at least the year which lies before us; and I think that the whole subject is one proper for legislative investigation with a view to devise a remedy adapted to the facts.

*Ministerial Officers—their Commissions and Fees.*

I desire to renew the recommendation of a previous Executive, that the official term of Justices of the Peace be shortened, and that a payment of five dollars be required for each issue of a commission to them and to certain other officers, such as Notaries Public, and Commissioners for Massachusetts in other States, whose ministerial acts are legally compensated by fees.

The number of Justices of the Peace at present in commission is 6,790, and of Notaries 486, distributed as follows among the Counties:

C O U N T I E S .	Justices of the Peace.	Notaries.
Barnstable, . . . . .	185	34
Berkshire, . . . . .	388	24
Bristol, . . . . .	452	52
Dukes, . . . . .	30	19
Essex, . . . . .	694	73
Franklin, . . . . .	259	12
Hampden, . . . . .	348	34
Hampshire, . . . . .	263	20
Middlesex, . . . . .	939	48
Nantucket, . . . . .	27	9
Norfolk, . . . . .	594	24
Plymouth, . . . . .	398	23
Suffolk, . . . . .	1,443	71
Worcester, . . . . .	770	43
Totals, . . . . .	6,790	486

The aggregate of Commissioners for Massachusetts in other States, who have qualified under their commissions and whose terms have not expired, is at present 135.

The labor of supervising these appointments is very considerable, and in respect to Justices and Notaries, is necessarily transferred by the Governor in great part to the members of the Executive Council, each for his respective District. It seems worthy of



inquiry whether the public convenience really requires so extraordinary a number of Justices of the Peace ; but the term of their commissions being for the long period of seven years, it would be impossible for a Governor within his own executive term of a single year, to effect any essential change in this particular ; and indeed the custom of issuing commissions so freely is of such long standing as to interpose additional obstacles to the restriction of their number.

But considering the labor which these commissions impose upon the department especially of the Secretary of the Commonwealth, and considering also that they afford means of pecuniary emolument to those who hold them, it seems not unreasonable that their issue should be compensated and restricted in the manner proposed.

### *The Governor's Secretary.*

My experience has fully justified the resolve adopted by the last General Court, upon the recommendation of my predecessor, for the appointment of a Private Secretary to the Governor, and indeed, when I review the year, it is difficult for me to perceive how the necessary labor of my department could have been accomplished without such assistance. The mere statement that the number of letters addressed to the Executive on business more or less of an official character, has averaged more than a thousand per month, and for some months has exceeded two thousand, a

large proportion requiring attention and reply, is sufficient to indicate in part the necessity of such an officer. The year, to be sure, has been exceptional in the character and amount of the labor of the Executive, but I have had reason to perceive that the office would have been of public advantage if it had earlier been established, for on assuming the duties of my present position, I was surprised to recognize the fact that no copies whatsoever of any communications to or from the Executive of the Commonwealth, had ever been preserved among the official State papers, except such as had passed into the hands of the Secretary of the Commonwealth in his official character of custodian of the records of the Governor and Council, or had been referred to some one of the Departments, or transmitted to the General Court. When the history of our country during the present century is considered, many events in which, in their relation to this Commonwealth, might have been illustrated more or less, by the preservation of such correspondence and documents, it is a matter of regret that hitherto no care has been had in this regard.

For several months I have had to avail myself of the aid of an assistant secretary in the military department; nor have the possible hours of work in the whole twenty-four hours of the day, been more than enough. As soon as the public service will permit, I shall discontinue this assistance; but, at present, it cannot be dispensed with, unless we leave undone

many details of business to the inconvenience of the people.

*The Executive Apartments.*

In this connection I beg to call attention to the defective arrangement of the suite of rooms assigned to the Executive in the State House, with special reference to the entire absence of proper facilities for ventilation. In their present condition, they are inconvenient and unhealthy.

*Preparation of Legislative Business.*

One of the desirable things often spoken of, less often accomplished, is the prompt disposition of the legislative business, the necessary condition of short sessions, which are, in their turn, the condition on which our ablest citizens are willing to become members. But this seems greatly dependent on an early and perfect preparation of the public business. If an early fixed day, common to all the departments and bureaus of the State was adopted as that on which all their books and affairs were to be annually closed, and their reports made up, and were those reports placed in proper hands,—for example the bank abstracts into those of the Bank Commissioners, the railway returns, of a State Surveyor, the reports of the different penal, charitable, and sanitary institutions into the hands of the secretary of a central board,—all these crude materials might be reduced to order

by just, cautious and skilful analysis, abstracted, tabulated and reported upon, printed, and laid on your tables at the beginning of the legislative term, to the manifest advancement of the business of the Court. I hope this may yet be accomplished.

### *Military Defences.*

A letter dated at Washington, on the 14th day of October, was addressed by the Department of State to the Governors of all the States on the seaboard and the lakes, suggesting that it is necessary to take every precaution to avoid the evils of foreign war, in view of the fact that disloyal citizens, even before the present insurrection had revealed itself in arms, had hastened to foreign countries to invoke their intervention for the overthrow of the Government and the destruction of the Federal Union. The Secretary of State does not fail to urge with emphasis that one of the most obvious precautions against foreign war, is that our ports and harbors in the seas and lakes should be put in a condition of complete defence. In behalf of the President of the United States, he therefore invited the attention of this department to the subject of the improvement of the fortifications and defences of Massachusetts, and asked that the subject should be submitted to the consideration of the Legislature, when it should assemble, with the added suggestion that proceedings by the State would require only a temporary use of its means, and

that the expenditures ought to be made the subject of conference with the Federal Government.

I availed myself of the earliest occasion to visit Washington, and to confer with the distinguished head of the bureau of Engineers, whom I knew to be intimately familiar with our coast, and with the system of defence appropriate to its condition and wants. The interview and subsequent correspondence lead me to the opinion that certain fortifications, both on our Northern and Southern shores, unless immediately taken in hand by Congress, ought to be undertaken by the Commonwealth, acting in concert with the United States Government, advancing its own means, employing the capital, skill and industry of its own citizens, working under the supervision of the head of the bureau of United States Engineers, following his instructions and plans, and receiving from the Government of the United States the national bonds to cover the expenditure, which, exclusively of the guns, would involve an estimated cost of \$400,000. I have the honor to lay before the General Court the letter of the Secretary of State, already alluded to, and a very recent letter drawn from General Totten, of the Engineers, for this purpose, in which last communication is contained a brief, but clear and instructive statement of the condition of our harbor defences. The permanent fortifications proper in Boston Harbor will probably need no assistance from the Common-

wealth, but promise to be followed up to completion by the Federal authorities.

The communication of General Totten establishes the fact of the purposes of his own department, and we are enabled to see for ourselves what has already been done. I am assured also by General Ripley, the head of the Ordnance Office, at Washington, that in addition to the guns already mounted, and those the Government is engaged in mounting, of which there are a considerable number now on hand, it has adopted all possible means to obtain the additional cannon and carriages required to complete the armament, which will proceed as fast as procured, and that a portion of this armament will consist of rifled cannon in the positions requiring artillery of that kind.

The harbor of Provincetown possesses certain features of interest peculiar to itself. Of ample depth for all purposes, a shelving, sandy shore, accessible in all weathers without a pilot, and with an anchorage in which whole navies might ride in safety, its arm stretched far out into the sea, it seems adapted to be the base of naval operations along the whole coast of New England. I believe there is not a place so easily taken from us, and worth so much to an enemy, when taken, as Provincetown and its harbor.

In the hands of an enemy it would harrass our commerce as it did in the last war with England, and would be a secure and tempting haven. The situation

of that harbor at a point remote and not suddenly accessible by land from the populous portions of the State, has another military significance. Without means to throw a large force suddenly into the place, it would require a large garrison in constant occupation. With a new railroad to strike the main artery of travel at Yarmouth, a substantial fort with a much smaller garrison, would hold it. Besides, it is said that the harbor of Provincetown is yearly endangered by the inroads of the sea upon its beach. Might not a road bed be easily so constructed as to serve at once as a rail track and a dyke or ocean barrier? It is worthy your consideration whether the loan of some aid to such an enterprise would not diminish the expense of a strictly military work and the cost of its garrison, while it would benefit industry and strengthen the people in peace as well as in war.

To whatever work of patriotic duty they are called, the *People* will come. There are those now among us and still ready to serve the country, who remember in the War of 1812, the thousands flocking down, some even from beyond the county of Worcester, each man with pick or shovel on his shoulder, and each town or parish headed by its pastor armed like the rest, to labor on the forts and defences of Boston. The People, if need be, could come themselves and wall up our coast with the masonry of war.

The Vineyard Sound is the great highway of our coastwise commerce. Ninety thousand vessels, of all

sizes, have been counted as passing Gay Head Light, in the course of twelve months. Without means of defence, a blow might at any time be struck there, involving a great loss of property, which the people of other States would feel not less deeply than would our own citizens. It is estimated that at least thirty thousand vessels annually seek shelter in the various ports of the Sound. In addition to the fortifications existing and intended for the harbor of New Bedford, there is needed a United States armed steamer, cruising about that harbor, the mouth of Buzzards' Bay, and the Vineyard Sound. If attached to the revenue service, the same vessel might be usefully occupied for the Treasury Department, and in watching over a large portion of our whole coasting marine.

Besides the permanent fortifications, we need rifled cannon, with their appurtenances, for movable ordnance and temporary batteries, at suitable points. For these batteries companies of militia could be raised, with corps of riflemen attached. Such defences can be speedily prepared, and can be indefinitely extended.

So, also, there are wanted, to be kept at hand for instant use, rifled ordnance and projectiles, for sea service. Never may the mercantile marine of Massachusetts, and her gallant and hardy sailors and fishermen, be obliged to creep defenceless home, to wear away their lives ignobly at a foreign menace of



our flag! Let the State be ready to arm two hundred merchantmen and extemporize a navy auxiliary to the national army of the seas, and let the national ensign rise to kiss the breeze wherever it fans the ocean,—protected by brave hearts and brazen peace-makers.

### *The Militia,*

Military education, both in the militia and in connection with the earlier training of the seminaries of learning, and the establishment of a school within the State taught by professors of military science, are all subjects deeply engaging the minds of the people.

It is to be hoped that Congress at its present session will adopt some comprehensive National plan of militia organization, requiring all men within certain ages to make it a point of honor and duty, to instruct, strengthen and recreate themselves by that reasonable training, desirable to prepare the citizen to shoulder the musket at any crisis of public danger or disaster.

I venture to recommend that our own militia should be brought to the highest perfection possible by legislative encouragement. Can it be regarded as due to the momentous possibilities of the future, or just to the people, that less than twenty-five thousand men, fitted and furnished to be mobilized in a week, should constitute an active militia?

The whole number of our enrolled militia is one hundred and fifty-seven thousand four hundred and ninety-six. The whole number who have gone into the volunteer service of the United States is reported by our Adjutant-General as twenty-seven thousand two hundred and seventy-five. About eleven thousand more are estimated to be in the naval service, as sailors and marines, leaving one hundred and twenty thousand at home, besides those men capable of the ordinary duties of civil life, not included within the prescribed age for military enrolment.

I beg leave to communicate a report made by a gentleman of the military staff, who fully appreciates the importance of this subject, and has given much study and examination to the matter of military education as it is elsewhere conducted. It is too thorough to be reserved only for private uses or to be embodied in this Address.

Confessing to myself the deepest obligation to the several gentlemen of the general and personal staff, to which the Commander-in-Chief of the State militia is entitled,—including those added during the last year under the authority of recent legislation,—and in view of the arduous and increased military duties, it would be unjust were I to omit a public and cordial expression of gratitude, and an emphatic recognition of patriotic and intelligent service to which whatever efficiency there has been in the work of the year is mainly due.

*Our National Cause.*

The ultimate extinction of human slavery is inevitable. That this war, which is the revolt of Slavery, (checkmated by an election and permanently subordinated by the Census,) not merely against the Union and the Constitution, but against Popular Government and Democratic Institutions, will deal it a mortal blow, is not less inevitable.

I may not argue the proposition; but it is true. And, while the principles and opinions adopted in my earliest manhood, growing with every year in strength and intelligence of conviction, point always to the policy of Justice, the expediency of Humanity, and the necessity of Duty, to which the relations of our Government and People to the whole subject of Slavery form no exception, so that I have always believed that every constitutional power belonging to the Government, and every just influence of the people ought to be used to limit and terminate this enormous wrong, which curses not only the bondman and his master, but blasts the very soil they stand upon,—I yet mean, as I have done since the beginning of the “Secession,” —I mean to continue to school myself to silence. I cannot suspect that my opinions, in view of the past, can be misconceived by any to whom they may be of the slightest consequence or curiosity. Nor do I believe that the faith of Massachusetts can be mistaken or misinterpreted. The record of her declared opinions is resplendent

with instruction, and even with prophecy; but she was treated for years as the Cassandra of the States, disliked because of her fidelity to the ancient faith, and avoided because of her warnings and her testimony. And now, when the Divine Providence is leading all the people in ways they had not imagined, I will not dare attempt to run before, and possibly imperil the truth itself. Let him lead to whom the people have assigned the authority and the power. One great duty of absorbing, royal Patriotism, which is the public duty of the occasion, demands us all to follow. Placed in no situation where it becomes me to discuss his policy, I do not stop even to consider it. The only question which I can entertain is what *to do*, and when that question is answered, the other is what *next to do* in the sphere of activity where it is given me to stand. For by *deeds*, and not by *words*, is this People to accomplish their salvation.

Let ours be the duty in this great emergency to furnish, in unstinted measure, the men and the money required of us for the common defence. Let Massachusetts ideas and Massachusetts principles go forth, with the industrious, sturdy sons of the Commonwealth, to propagate and intensify in every camp, and upon every battle-field, that love of equal Liberty, and those rights of universal humanity, which are the basis of our Institutions; but let none of us who remain at home, presume to direct the pilot, or to seize the helm. To the civil head of the National

State, to the military head of the National Army, our fidelity, our confidence, our constant, devoted, unwavering support, rendered in the spirit of intelligent freemen, of large-minded citizens, conscious of the difficulties of government, the responsibilities of power, the perils of distrust and division, are due without measure and without reservation.

The Great Rebellion must be put down, and its promoters crushed beneath the ruins of their own ambition. The greatest Crime of history must receive a doom so swift and sure, that the enemies of Popular Government shall stand in awe while they contemplate the elastic energy and concentrative power of Democratic Institutions, and a Free People. The monstrous character of the crime has never yet been adequately conceived, nor is language able fitly to describe it. Groundless and causeless in its origin, it began and grew up, and continues, under the lead and direction of men who had received all the favors, and enjoyed all the blessings of our government, and who were bound by official oaths to maintain it. Reckless of consequences, and determined to ruin where they could not rule, they conspired against the welfare of nearly thirty millions of people, and their countless posterity ; they plunged them, with inconceivable madness, into every danger, and suffering, and sorrow, which can be generated by domestic war ; and they stand with souls blackened by the selfishness and audacious barbarity of the crime—red-handed and

guilty before God and History, of the slaughter of the innocent, and the blood of the brave.

Whether right or wrong in its domestic or its foreign policy, judged by whatever standard, whether of expediency or of principle, the American citizen can recognize no social duty intervening between himself and his country. He may urge reform; but he has no right to destroy. Intrusted with the precious inheritance of Liberty, endowed with the gift of participation in a Popular Government, the Constitution makes him at once the beneficiary and the defender of interests and institutions he cannot innocently endanger; and when he becomes a traitor to his country, he commits equal treason against mankind.

The energies, wisdom, and patience of the People, their capacity for Government as a corporate whole, and their capacity of voluntary obedience and subordination, whether in camp or at home, are now on trial. This is no merely local, accidental, temporary act of insurgency, to be treated by police measures, and civil correction. It is WAR, dreadful, solemn WAR. The influences, institutions, and adherents of despotic ideas and systems, reacting against the ideas of progression in liberal government, have arrayed themselves against the only people and the only national power where Democracy has a citadel and a home on the face of all the earth.

The despotic element in America, conspiring against our country's National Life, anticipated its

own earliest demonstrations of force by trying to extend the conspiracy to the inclusion of all the "nations who feel power and forget right." Involved in this controversy for life, for freedom, and for honor, let Massachusetts in following the flag and keeping step to the music of the Union, never fail to prove to all the world that in all the characteristics of her people she is to-day as she was of old when *she* it was who *first* unfurled the flag, and pitched the tune. Henceforth there will be no one to consider how to "reconstruct" the Union, excluding New England from the sisterhood of States. Wherever for treasure, or heroism, or blood was the call they heard, the people of New England have responded by opening the lap of their industry, and by the march of their braves. And now when the beauty of our Israel has been slain in our high places, and when her Lee, and Revere, and Rockwood, and Bowman lie in felons' cells, and hundreds of her sons wear out their hearts in sad captivity, victims of their valor and devotion to our Union, one irrepressible impulse moves our people and inspires our soldiers in the field—one prayer to see the day when an army of Loyal Americans shall hammer at the doors of their prison-houses, with both hands pledged to the solemn task of *war*, and with neither hand averted to uphold the Institution which is the cause of all this woe ; and that their bow shall turn not back, and their sword return not empty, until the grand deliverance shall be accomplished.

*Maryland.*

I gladly point you to one oasis in the midst of all the resentments of the hour. A committee of the House of Delegates of the Legislature of Maryland, acting under instructions from that body, have addressed the Executive of Massachusetts, seeking to learn the condition of the widows and orphans of the patriots who were murdered at Baltimore on the 19th of April, and to be informed of any persons who were dependent on them for support, in order that the State of Maryland may take such action in that connection as befits its sense of justice and honor. Cordially appreciating the honorable and humane sentiments of the House of Delegates, the letter of their committee is herewith communicated to the General Court, and I have directed the necessary investigation to be made to answer its inquiries.

## SENATORS AND REPRESENTATIVES:—

I invoke your study to promote all the interests of morality, industry, thrift, and valor, so that our Commonwealth and her People may crown all the heights of enterprise, virtue, and honor. Attended by your wisdom, supported by your sympathy, I re-ascend the chair, so often and so worthily filled by great magistrates and good men, and you will assist my unequal steps in treading the paths their lives illu-

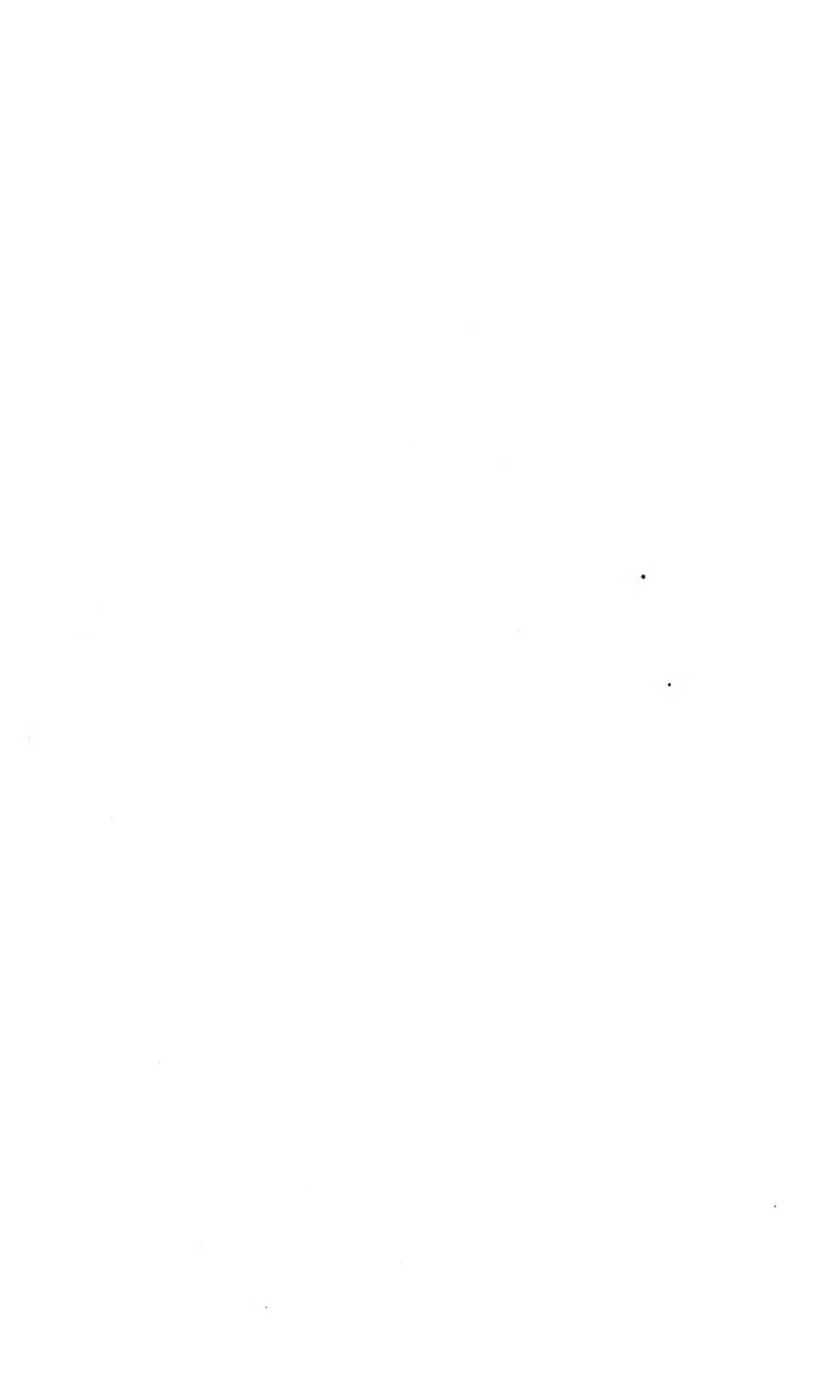


mined. Inspired by trust in God and an immortal hate of Wrong, let us consecrate, to-day, every personal aspiration and every private hope, in one united apostrophe to our Country and her cause—"Where thou goest I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God: where thou diest, will I die, and there will I be buried."













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